

**Town of Otsego Zoning Board of Appeals**  
Minutes – April 19, 2016

**PUBLIC HEARING**

**16.01 – Peter & Anouk Van der Riet (Teresa Drurup, Altonview Architects) – Area variances, indoor tennis facility – Linden Avenue (#131.00-1-16.01 & -16.02)**

Secretary Bill Deane announced that he had received an e-mail from Peter Van der Riet, saying he was withdrawing his application. Deane noted that no one from the public was present for the scheduled hearing.

**REGULAR MEETING**

The monthly Town of Otsego Zoning Board of Appeals (ZBA) meeting was held on this date at the Town Office Building in Fly Creek, NY. Chairman Greg Crowell called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, Tony Scalici (Vice-Chairman), John Tedesco, and Dean Robinson. With Christopher Voulo and first alternate member Michael Pelcer absent, second alternate member Bruce Miller joined the meeting table. Zoning Enforcement Officer Barb Monroe was also present.

Chairman Crowell asked if anyone had a potential conflict with tonight's applicant. No one reported any conflict.

The Board reviewed the minutes of March 15, e-mailed to the members. Scalici moved to approve them as written. Tedesco seconded the motion and it was approved, 5-0.

There was no correspondence received since the last meeting. The Board moved on to applications.

**APPLICATIONS**

**16.01 – Peter & Anouk Van der Riet (Teresa Drurup, Altonview Architects) – Area variances, indoor tennis facility – Linden Avenue (#131.00-1-16.01 & -16.02)**

As mentioned earlier, the Van der Riet application was withdrawn. They may be submitting a revised application in the future.

**16.02 – Jeffrey Wait – Area variances, replacement of structure within 100 feet of Otsego Lake – 6793 State Highway 80 (#69.52-1-11.00)**

Applicant Jeffrey Wait was present. Secretary Bill Deane had e-mailed relevant Planning Board minutes to the ZBA members. Wait had received site plan approval from the Planning Board in February, 2006, but their attorney had noted that, if Wait did not raze the residence within 100 feet of Otsego Lake, he would have two principal buildings on the same lot, thus be in violation of the *Land Use Law*. Wait has not razed that building.

Wait explained that he wants to replace the building in question with a garage in the same footprint. This would remove the violation, since it would not be a principal building. However, Wait was afraid if he razed the existing building before getting approval, he would lose his right to replace it in kind. He gave his recollection of the "horse trading" involved in the 2006 application, along with conversations he had had with Town personnel in the meantime. He said mistakes had been made in the past, but he is "trying to make it right" now.

Chairman Crowell asked if Wait could locate the garage anywhere else, preferably more than 100 feet from the Lake. Wait said he was limited by the contours of the land.

Tony Scalici noted omissions on the application. Wait amended the application.

Chairman Crowell said that the only variance needed would be from Section 4.04, Lakeshore Protection. Bruce Miller read aloud from that section and wondered whether Wait would even need a variance, since he was planning to build in the same footprint. After discussion, the consensus was that he would not.

Scalici moved that, based on *Land Use Law* Section 4.04, which states “All building replacements/repairs shall be limited to the building footprint,” this proposed project does not require a variance from the Zoning Board of Appeals. Dean Robinson seconded the motion and it was approved, 5-0. Chairman Crowell said that no formal written resolution would be needed.

Deane advised Wait that, if he submitted a site plan application tonight, he could get on the May 3 Planning Board agenda. If someone else would be representing him, he should submit a letter of representation. Scalici said that, if that Board rejected Wait’s application due to his being in non-compliance, he could apply for an interpretation from the ZBA.

**OTHER BUSINESS**

Zoning Enforcement Officer Monroe distributed copies of her April 19 report (filed). She also distributed copies of an application from Tom Bouton, which she said would be on next month’s ZBA agenda. The Board looked at and briefly discussed it, referring to Section 2.05 of the *Land Use Law* and its one-acre minimum lot size.

With no further business, at 8:02 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary